

MONTANA DEPARTMENT OF LIVESTOCK



Board of Livestock Meeting Minutes May 19 & 20, 2008

Helena MT 59601

Monday, May 19 2008

Draft

Board of Livestock Members Present:

Stan Boone, representing cattle producers
Jan French, vice chair, representing pork producers
George Hammond, representing cattle producers
Bill Hedstrom, chairman, representing dairy and egg producers
Meg Smith, representing cattle producers
Becky Weed, representing sheep producers
Linda Nielsen, representing cattle producers

Staff:

Marty Clark, assistant administrator, Brands Enforcement
George Edwards, administrative assistant, Livestock Loss Reduction Mitigation Board
John Grainger, administrator, Brands Enforcement
George Harris, administrator, Centralized Services
Christian Mackay, executive officer
Steve Merritt, public information officer
Carol Olmstead, administrator, Meat Inspection Bureau
Dr. Jeanne Rankin, assistant state veterinarian, Animal Health
Sherry Rust, administrative assistant, recorder
Rob Tierney, supervisor, Bison Management, Animal Health
Dan Turcotte, chief, Milk and Egg Bureau

Guests:

Carole Boone
Paul Ringling, Montana Cattlemens Association
Les Graham, Montana Market Association, Montana Farm Bureau
Kraig Glazier, APHIS Wildlife Services
Nichole Griffin, Montana Farm Bureau
Errol Rice, Montana Stockgrowers Association
Lacey Ehlke, Montana Stockgrowers Association
Rachel Kinkie, Montana Stockgrowers Association
Kim Baker, Montana Cattlemens Association
Ariel Overstreet, Agri-News
Aeric Riley, Montana Woolgrowers Association

Call to Order and Board Communications:

Chairman Bill Hedstrom called the meeting to order at 1: p.m.

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- Stan Boone reported a long winter in the Ingomar area, nights are still cold so the grass has just started growing.
- Jan French said the Hobson area is the driest in 99 years. Hog market prices are up while sows & boars are very low. A third of the colonies in Canada have sold out their sows along with two in Montana. Looks like there will not be any little places left.
- George Hammond reported good moisture in his area but five miles west is dry. They received good moisture from the last storm and grass is looking good. Prices are holding and he is looking for a pretty good year.
- Bill Hedstrom said streams are bank full in the Kalispell area. They are a little short of rain on the flats. Hay prices are scary.
- Linda Nielsen reported good moisture, spring wheat is looking good. Her market is holding a horse sale this week, lots of horses for sale around Montana.
- Meg Smith said it is hot and dry in the Divide area. Wolves are back.
- Becky Weed said spring was late getting started in the Belgrade area but is coming on strong now. Everyone is concerned about high feed prices.

Approval of Minutes:

The minutes of the March 18 & 19 2008 meeting were accepted as presented.

Meg Smith commented she would like to see more detail on some issues, who said what.

Approval of Executive Officer Report:

Stan Boone moved to approve the Executive Officer report as presented. Linda Nielsen seconded. The motion carried with Meg Smith and George Hammond voting no.

Meg Smith asked when the vet position approved by the board would be opened.

George Hammond commented that he received the agenda on Tuesday, would like to have it at least two weeks ahead of time.

Approval of Chairman Interim Authorizations and Activities:

Chairman interim actions requiring board approval:

Out of State Travel

- Carol Olmstead & Mike Finnegan out of state travel to attend a meeting in Wyoming
- Dr. Rankin to attend an agro-terrorism meeting in Fargo
- Sherry Rust to attend a NAIS animal ID coordinators meeting in New Orleans

Jan French moved to approve the interim actions by the chairman as reported. Becky Weed seconded. The motion carried unanimously.

OLD BUSINESS

BILL OF SALE LANGUAGE

John Grainger presented a copy of the bill of sale with the proposed language added. He explained that the added language will be on the third copy only because the seller/buyer are certifying the information. The department is not really involved. The white (first) copy comes in to the Helena office for department files, the yellow (second) copy goes to Beef Council, while the pink (third) copy usually goes to the seller. The buyer would probably want a copy if the animals were certified. Paul Ringling, Montana Cattlemens Association, said this is important to the industry so animals can be certified as U.S. or Montana and/or natural beef. Attorney for the department, Clyde Peterson, said the language is not limiting or binding through the department.

Jan French moved to approve the addition of the suggested language to the pink (seller's) copy with the next order for bills of sale. Stan Boone seconded. In a roll call vote: Meg Smith, no; George Hammond, no; Becky Weed, yes; Stan Boone, yes; Linda Nielsen, yes; Jan French, yes. The motion carried by majority vote.

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PRODUCER ORGANIZATION UPDATES

MONTANA BEEF COUNCIL

In the absence of Charlene Rich, Christian Mackay reviewed the beef council meeting recently held in Billings. The plan is to continue to work towards a Foot & Mouth disease readiness program and how best to follow up on this. Les Graham said in view of small DOL staff, he and Beef Quality Assurance will work on the program with DOL having final approval. Mr. Mackay noted the next annual DOL/Beef Council contract will be due in September.

MONTANA CATTLEMENS ASSOCIATION

Kim Baker said they are currently wrapping up their "beef on every plate" promotion where they raised approximately \$45,000. The next big event will be the MCA Extravaganza on June 14 in Forsyth. The emphasis will be on state certified all natural beef. She reported that executive director Jeremy Seidlitz has resigned.

LIVESTOCK MARKET AUCTIONS

Les Graham addressed horse sales noting that many markets are charging a flat fee for any horse unloaded because of the issue of not earning enough to pay for the feed. This is a serious issue.

MONTANA STOCKGROWERS ASSOCIATION

Errol Rice reported that his organization just received a grant in cooperation with APHIS to address biosecurity. They will develop education protocol for brucellosis or any other outbreak which may threaten livestock producers. Events will include producer tabletop sessions and producer gatherings. They will also address FWP surveillance in elk regarding brucellosis. He concluded with a request for board support to heighten the FWP priority of disease in wildlife. He announced the annual meeting to be held June 14 and 15 in Havre.

WILDLIFE SERVICES

Kraig Glazier, USDA APHIS Wildlife Services, provided an update on WS activities on behalf of the department

- assisted APHIS February 10 through 18 in transporting bison
- late spring increased activities:
 - lots of coyote cubs
 - seeing coyotes and wolves in the areas (used to be unusual)
 - bears are out

RECESS: 2:30 p.m.

RECONVENE: 3:00 p.m.

MEAT INSPECTION

PROPOSED RULE CHANGE

Carol Olmstead reported that during Meat Inspection self assessment for USDA FSIS review there were some regulations changed that the department did not adopt. DOL now needs to amend and adopt these changes in the Administrative Rules Manual. Standard protocol requires board approval prior to filing with ARM through the Secretary of State's office.

George Hammond moved to approve the proposed adoption and amendment as presented. Jan French seconded. The motion carried unanimously.

OTHER MEAT INSPECTION ITEMS:

- FDA food defense and partnership in Seattle covering who does what in other states
- Wyoming meetings to correlate & train them on issues DOL received that they have not yet

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- the interstate shipment program is in the Farm Bill as an addition to the current program under Title 4
- no applications for mobile slaughter facilities in MT at this time
 - there is a group of producers that are interested in designing a facility and would want to operate under one of the exemptions
 - investigation continues

LIVESTOCK LOSS REDUCTION AND MITIGATION BOARD

George Edwards reported he has received three claims since April 15, the date to which Defenders of Wildlife was responsible for paying. Claims were from Dillon and Ennis with payment on the average weaning value of those animals (@510 pounds at \$580 per calf).

- He continues to seek and meet with potential funders
- Senator Tester introduced a bill for restitution 50-50 matching fund through federal monies
- received \$50,000 payment from Defenders of Wildlife with another \$50,000 due next year
- outreach planning has begun with sharing the DOL booth at state fair in Great Falls

MONTANA WOOLGROWERS

Aeric Riley reported the following:

- collaborating with Dr. Zaluski on bluetongue in conjunction with USDA and Wyoming DOL regarding ear tag, spray on, pour on and vaccine for bluetongue approved for sheep work
- working on the form for Montana to hopefully have pesticide approval before fall when this disease shows up
- Montana, Wyoming, and Idaho woolgrowers are looking for more funding for predator control
 - forms are submitted
 - it is not specific and can be used for wolves, coyotes, etc
- The second annual shearing contest at the Miles City Bucking Horse Sale attracted 30 shearers, 17 of which were professionals
- June 9 is the annual meeting and sheep sale in Billings
- less wool and sheep coming in from Australia due to the drought

Open Microphone

The chair opened the floor to the public for comments.

Adjournment

Chairman Hedstrom adjourned the meeting at 4:00 p.m.

The Board called an Executive session.

Personal right to privacy exceeds the public right to know.

Tuesday, May 20, 2008

Board of Livestock Present:

Stan Boone, representing cattle producers
Jan French, vice chair, representing pork producers
George Hammond, representing cattle producers
Bill Hedstrom, chairman, representing dairy and egg producers
Linda Nielsen, representing cattle producers
Meg Smith, representing cattle producers
Becky Weed, representing sheep producers

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Staff:

Marty Clark, assistant administrator, Brands Enforcement
John Grainger, administrator, Brands Enforcement
George Harris, administrator, Centralized Services
Dr Bill Layton, administrator Diagnostic Laboratory
Christian Mackay, executive officer
Steve Merritt, public information officer
Monte Nick, chief, Milk Control Bureau
Carol Olmstead,, chief, Meat Inspection Bureau
Dr. Jeanne Rankin, assistant state veterinarian, Animal Health
Sherry Rust, administrative assistant, recorder
Rob Tierney, supervisor, Bison Management, Animal Health Division
Dan Turcotte, chief, Milk and Egg Bureau
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Guests:

Dr. Tom Linfield, contract veterinarian
Ariel Overstreet, Agri-News
Carole Boone
Les Graham, Montana Farm Bureau, MALAM
Kraig Glazier, USDA Wildlife Services
Pam Joehler, Legislative Fiscal Division
Shane Erickson, Safeway
Gary Reck, Meadow Gold
Ken Heberling, Dillon Dairy Products
Shawn Graham, OBPP analyst
Russell Nimitz, Northern Broadcasting
Errol Rice, Montana Stockgrowers
Amy Angel, jobber, Meadow Gold
Darrien Angel
Becky Gione, Montana Interactive
Becki Koznlay
Mark Meyer
Ruben Wurz, Big Stone Dairy
Ed Waldner, MMPA - Riverview Colony
Pete Wipf, MMPA - Martinsdale Colony
Aeric Reilly, Montana Woolgrowers Association
Bob Adamson
Rachel Kinkie, Montana Stockgrowers Association
Bob Jackson
Susan Chin

Chairman Bill Hedstrom called the meeting to order at 8:00 a.m.

Division Updates

CENTRALIZED SERVICES REPORT

BOARD OF MILK CONTROL

Monte Nick reported

- the Meadow Gold plant in Kalispell is closing in June - that milk will go to Great Falls
- any excess Great Falls milk will go to Billings
- the Milk Control Board is pending a tentative date regarding date violation
- Clyde Greer is resigning from Milk Board - moving to Colorado

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EPP

George Harris reviewed for the board the EPP and proposed budgets for each division. He said the proposed EPP requires board approval and listed department priorities as follows:

1. Diagnostic Lab server (\$13,250)
2. computers (90) for all the department under a regular schedule of 22 per year (\$24,200)
3. Diagnostic Lab molecular technician position (revenue neutral)
4. PHDCIS (FAIM) computers (meat inspection) replacement
5. Meat Inspection - lab sampling
6. Rerecord - 2011 2 FTE to work with rerecord (\$182,053)
7. Diagnostic lab recharges - facility services
8. IT staff training on Oracle (\$11,500)
9. Administrative Support in Animal Health - 1 FTE (\$32,000) revenue neutral
10. Diagnostic Lab supplies - a major portion of the lab budget
11. Diagnostic Lab maintenance contract for leased equipment
12. Brucella Rapt equipment (\$5,500)
13. Milk Lab equipment
14. storage container (for Diagnostic Lab)
15. Brands Enforcement vehicles (5 each year)
16. Milk & Egg Bureau vehicles (1 each year)
17. Animal Health vehicles
18. remodel PCR area - Diagnostic Lab (\$17,500)
19. Brand Enforcement replacement of 15 firearms @\$500 each (30 originally requested)
20. Diagnostic Lab air conditioner (\$7,500)

The board discussed the various proposed priorities and questioned division administrators as to their needs and wants. Some discussion centered on the replacement of 15 firearms of the 30 originally requested. The point was made that it is essential that personnel be armed with properly working firearms. Board members concurred and suggested the possibility of replacement as requested of 30 firearms utilizing brands rerecord funds for the balance. It was brought to the Board's attention that the number of computers to be replaced in Meat Inspection was not correct and needed to be adjusted from 4 in FY 2010 to 10 in FY 2010. The EPP was submitted as presented. Any changes can be addressed in August.

Jan French moved to approve the EPP as presented with modifications by the August deadline. Linda seconded. The motion carried with Meg Smith abstaining.

OUT OF STATE TRAVEL

George Harris reviewed proposed out of state travel for FY2010-11 and requested board approval. The total travel requests increased to 31 with the executive officer attending one more meeting than in previous years. In reply to board questions regarding why certain meetings were requested Mr. Harris explained that some of the meetings are required for attendees to stay certified. The board deferred voting on this issue requesting a list of where and why, and where funding is coming from to study prior to the July meeting.

FIVE COUNTY PREDATOR CONTROL

George Harris reported a total of \$28,921 available for assistance to the five country predator control based upon the percent of per capita billed out to the counties less the collection charge and insurance paid. The five counties do not participate through Wildlife Services for predator control using their own trappers so they receive an allocation.

George Hammond moved to approve the five county predator control allocations as presented. Jan French seconded. The motion carried unanimously.

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BUDGET STATUS

George Harris completed his report with:

- a review of each division showing amount expended and amount left to complete the fiscal year
- BOHR-status
 - currently collaborating with the lottery on fantasy sports
 - getting the game set up
 - expect to be up and running by football season
- looks like state special revenue will hold up
- reviewed bison funding, may lose some funding because of USDA APHIS shipping
- bison funding is now a part of USDA budget instead of an earmark

RECESS: 10:00 a.m.

RECONVENE: 10:30 a

BRANDS ENFORCEMENT

John Grainger reported on the following items:

- Equine conference at MSU Bozeman last month and the training with Humane Society the week prior
- the Horse Bill -seeing more interest with many realizing the probability of problems on where the horses will go
- Review of brand fees
 - seeking direction from the board to look at all brand enforcement fees to see how close the fees are to actually covering the costs incurred to provide the service
 - not fair to use per capita for bison programs

The board directed Mr. Grainger to do the research and bring suggested modifications to the next board meeting

- Online market permits presentation by Ron Hoyt
 - permits will be available online August 2008
 - through Montana Interactive - tech support here in Helena
 - a \$2.30 permit fee paid online by credit or debit card at this time
 - \$1 goes to Montana Interactive
 - 30 cents to the credit card company
 - every brand is coded & can be added later or at the market
 - the permit number is based on the market the producer is traveling to
 - the online permit goes to the assigned market and to the Helena office
 - permit holder can either print the permit or copy the permit number & carry it with them when they travel
- Upcoming project - sheep permits

DIAGNOSTIC LABORATORY

Dr Layton reported on the following issues:

AAVLD ACCREDITATION :

- lab issued provisional accreditation conditional upon addressing nonconforming issues prior to July 1, 2008
- reviewed the non-compliance checklist
- final written compliance report will be given at AAVLD in October meeting
- State Veterinarian and/or board chairman/members invited to attend the October AAVLD meeting
- Feb 2009 deadline to become compliance or lose accreditation

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- main issues noted in the review:
 - salaries - getting quality people on a professional level most difficult
 - security – may be an issue in the future
 - possible threat of cross contamination through inadequate ventilation

The board discussed issues, concerns, and questions regarding funding and improving the lab including budget constraints, forming a workgroup, do agencies want a combined lab.

Dr Zaluski pointed out positives of continuing the lab

1. close to immediate results from our lab
2. small transport fees
3. local expertise available
4. public health mission
5. active surveillance (bluetongue for instance tests not scattered throughout other states & labs)

Board consensus is to use a two prong approach to assure no loss of accreditation prior to 2009 and long range planning to improve our facility and/or merge with other labs

The board charged Christian Mackay to draft a letter to the AAVLD accreditation committee to be sent to the board for approval prior to forwarding to Dr. Layton. A decision on who will attend the AAVLD meeting will be made at the July board meeting.

OUT-OF STATE TRAVEL

National Animal Health Lab will sponsor an Avian Influenza exercise in Cheyenne on June 25. Dr. Layton requested board approval for himself and one other employee to attend. Approximate cost is \$500 each to come out of lab funding.

Linda Nielsen moved to authorize Dr Layton and one other lab person to attend the exercise. Jan French seconded. The motion carried unanimously.

MILK & EGG

Dan Turcotte reported on:

MISCELLANEOUS ISSUES

- closure of Kalispell plant is expected on June 13th
 - will effect the department staff wise
 - the inspector based there was for that plant and two cheese plants
- concerned in the drop in producer numbers
 - bureau is 100% funded by producers if Montana loses producers, DOL loses funding
- trying to stay ahead in the dairy animal welfare issues
 - inspectors are active in that area

DUAL DATING

- the issue is hung up with Inland Dairy
- Clyde Peterson suggested to hold enforcement until the issue is resolved
- have not received any reply from Clyde since then and are still not enforcing
- the board voted in last meeting the law is written as one date and that is what we will enforce
- concern from Clyde is a letter he received stating that they might bring lawsuit citing violation of interstate shipment laws

SPEAKERS

Shane Erickson, Safeway, requested a variance of 32-8-32 and 32-8-33 referring to the 12 day rule

- for 1-gallon organic milk that does not comply with the current 12 dating rule
- Montana has no distributor or manufacturer to provide the amounts of organic milk required
- currently a distributor in Montana is used but cannot provide gallon containers
- cost to consumer is higher because they must buy 2 one half gallons @ \$1.75 more than the cost of a gallon container
- not feasible to approach the big distributors to tell them they must comply with the special dates

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- asking for an exemption for this product

Ken Heberling, Dillon Dairy Products

- looking for a straight answer for the 12 day code
- as a Montana licensed jobber he is losing customers because of the non-enforcement of dual date products
- milk is remaining on the shelf past the 12 day date
- Thriftway stores in Butte have been lost
- Montana jobbers are used to the 12 day date and know how to conform to it
- milk sold in Montana should be using the 12 day date
- the milk industry in Montana is in jeopardy
- losing business to out-of- staters not conforming to the 12 day date
- if the distributor is licensed by Montana is the dual date in violation of the rules?
- is dating milk longer than the 12 day date in violation?
- is not pulling milk by the 12 day date in violation of Montana Codes?
- stop the invasion of non-conforming milk!, maintain the 12 day code and carry on from there

Amy Angel, jobber for Meadow Gold

- in favor of the 12 day date
- Montana should allow a quality product
- 12 day law is on the books, enforce it
- out of state milk producers can bring milk in. but they must meet Montana laws

Ed Waldner, MMPA, Riverview Colony

- should keep the sell by 12 day date

Derrick Angel

- consumers buy by the 12 day date
- consumers are being mislead if the pull by date is sold as the sell by date
- consumers do not realize it is an older product

Bill Hedstrom explained that the 12 day sell date for normal pasteurized milk gives the consumer about seven days to use the milk with quality. The pull date means it is near the end of its quality.

Jan French moved to reaffirm the board's previous vote to cancel the exemption allowing dual dating, and enforce the 12 day date. George Hammond seconded. Roll call vote was called for. Jan French, yes; Stan Boone, yes; Becky Weed, abstain; Linda, Nielsen, yes; George Hammond, yes; Meg Smith, abstain. The motion carried by majority vote.

Bill Hedstrom stated Montana has a reputation of providing a quality product and we do not want to jeopardize it because of the bottom line.

RECESS: 12:30 p.m.

RECONVENE: 12:55 p.m.

PUBLIC INFORMATION OFFICE

Steve Merritt reviewed activities since the last meeting:

- elk blood test kits
 - working with Mel Frost and Ron Osheim on it
- Updating rerecord address
 - Conrad & Steve developing a promotional on updating rerecord addresses
- online sheep permit
 - Ron & Steve collaborating on it
- E-letter
 - insufficient software causing problems - working out the bugs

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ANIMAL HEALTH

BISON OPERATIONS

- North side:
 - Park Svc released over 350 head
 - moved southeast into the park
- Westside
 - 9 head at Duck Creek
 - 4 on Highway 287
 - a couple on lower Bear Trap
 - 3 pair on the south side of the Madison
 - approximately 75 bison on the Yellowstone Ranch preserve
 - could have hazed but decided to hold off
 - meeting scheduled with the Galanas next week
 - 28th at FWP in Bozeman
- Park Svc is in conservation mode
 - with less than 2,300 bison want to preserve as many as possible
 - intent is to haze bison into the park once – so they stick
- Cougar Meadows
 - currently 100 head with no where to go
 - normally would move them down 7 Mile Bridge
 - 7 Mile bridge is flooded right now
 - a horseman fell into the water and horse nearly drown yesterday
 - may be a week of un-navigatable in that area
- Zone 2
 - approx less than 100
 - some have already calved
 - any animals on Duck Creek or Red Canyon are all bulls
 - those on Galanas property are mixed
 - last week moved 20 that had moved onto Horse Butte from Galanas property

A request was made for direction from the board, hold off on hazing until after the meeting with Galanas? Decision to be made on hazing this week or next week considering floods and the proposed meeting.

The board discussed concerns and options including;

- nothing to lose by letting the river settle down
- hopeful that the Galanas learn more about the complexities of the issue
- waiting one week, more to gain than loose
- what is the down side of waiting, lean toward the law says there is a given date the day after move immediately
- could haze any animals swimming across the narrows & heading down Red Canyon
- extending, extending, little more time, our job is to do the IBMP and it's the law
- need to direct staff to do the job meeting next week or not
- our job is to protect livestock from disease, nothing to gain
- should give talk a chance ,it is only a week, should give talks a change
- given that property no longer has cattle we can push that date back without violating the IBMP

Board consensus is to wait until after the meeting with Galanas, then move immediately to get bison out of there. Rob said he could probably have the helicopter ready on Wednesday -

Dr Zaluski agreed that the risk is low for the time being if they stay where they are. Could be a significant problem if they decide to move and DOL will immediately respond within that day pending

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organization of staff. Galanas are absentee owners , there will be a better effect if we allow them to meet and understand rather than strong arming them

HERD PLANS-

- Dr Linfield is working with producers to implement herd plans
 - 30 herds (one owner of 3 herds) on herd plans now
 - most of those in Paradise Valley
 - 27 herd plans in Park
 - 2 in Madison and 2 in Madison/Gallatin
 - 3400 animals included in this plan
 - this is voluntary participation
 - next area of emphasis is Madison, where there is less enthusiasm

COOPERATIVE AGREEMENTS

- shortfall or reduction of \$220,000
 - can submit a request to recover some of the money they took away.
 - \$440,000 is coming
- Staffing
 - Sherry Rust will be doing some cooperative agreement work
 - board priorities are number one
 - grant management duties will be done next
 - budgeted a grant manager for funding the position

TRICH CERTIFICATION AND RULE REWRITE

- the current rule does not fit now that we have experience in the issue
- listening sessions being scheduled
- July 1st is the deadline for vets to become Trich certified
- 6 scheduled vet training seminars by Dr Rankin

Open Microphone

ERROL RICE, Montana Stockgrowers Association spoke in support of the executive officer attending the NCBA annual meeting. This is the cattle trade show and annual meeting encompassing four cattle groups, American National Cattlewomen's Association, Cattle Fax, Cattlemens Beef Board, and the National Cattlemens Beef Association. Errol said this is the best investment for the money. RCALF will be there, United States Cattle Association will be there, USDA APHIS FSIS all will be there, plus leading Livestock Marketing Association members. Everyone who is anyone will be there to make contacts with.

Regarding the press release about the Royal Teton Ranch agreement he said that support letters fail to bring up the need for the Park Svc to develop a vaccine. He then questions where the MOU is. He disagreed with the decision regarding Galanas and asked to go on record that dealing with Earth Justice will bring a negative result. It is past the 15th move on it.

The next scheduled board meeting dates are:

- July 21 & 22, Room 172, Capitol Building
- September 22 & 23, Room 152, Capitol Building
- November 17 & 18, meeting place to be determined

ADJOURNED: 2:00 pm.

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BILL HEDSTROM, CHAIRMAN
BOARD OF LIVESTOCK